

REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. Claims 1-3, 8-10 and 14-16 were amended. No claims were added or canceled. Reconsideration of the claims is respectfully requested in view of the above amendments and the following comments.

I. Objection to the Specification

The Examiner has objected to the Abstract for reciting the phrase “are disclosed.” By the present Amendment, the Abstract paragraph has been amended to delete the objectionable language.

Therefore, the objection to the specification has been overcome.

II. 35 U.S.C. § 101: Claims 14-20

The Examiner has rejected claims 14-20 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

Independent claim 14 recites, “A computer program product in a computer readable medium...”. However, in the specification, Applicant defines the computer readable media as being a “**transmission-type media**, such as digital and analog communications links, wired or wireless communications links using transmissions forms, such as, for example, **radio frequency and light wave transmissions**.” When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, stored in a computer-readable medium, in a computer, or on an electromagnetic carrier signal does not make it statutory.

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The USPTO guidelines for evaluating computer-readable medium encoded with functional descriptive material, such as a computer program, expressly states that a claim to such computer-readable medium when so encoded is statutory subject matter. USPTO, *Interim Guideline for Examination of Patent Application for Patent Subject Matter Eligibility* (26 Oct. 2005) (hereinafter “The Guideline”).

The Guideline provides, in relevant part:

“[A] claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.”

Id., p. 52.

Claim 14 as amended herein is directed to a computer program product comprising a computer readable medium having computer readable program code. As the Guideline provides, “a computer readable medium with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized” is statutory. Because claim 14 recites a computer program product, along with the other recited steps, claim 14 does describe a data structure that defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized. Thus, claim 14 recites patentable subject matter under 35 U.S.C. § 101, as explained under the Guideline.

Claim 14 as amended herein is, accordingly, statutory under 35 U.S.C. § 101; and Applicants respectfully request withdrawal of the rejection of claim 14 under 35 U.S.C. § 101. By virtue of their dependence from claim 14, the rejection of claims 15-20 under 35 U.S.C. § 101 should also be withdrawn.

III. 35 U.S.C. § 102, Anticipation: Claims 1-4, 6-11, 13-17 and 20

The Examiner has rejected claims 1-4, 6-11, 13-17 and 20 under 35 U.S.C. § 102(e) as being anticipated by Flint et al., US Patent No. 6,504,917 (hereinafter “Flint”). This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

In regards to claims 1, 8, and 14, Flint discloses a method, system, and computer program product in a computer readable medium for visually representing an interactive telephone call tree (e.g., call path) interface (See Abstract), comprising the steps of: providing a first interactive screen of display for a telephone call tree; displaying said first interactive screen of display for said telephone call tree; selecting a node (e.g., branch) of said displayed first interactive screen of display for said telephone call tree; and displaying a second interactive screen of display, said second interactive screen of display including information about a content of said selected node (See col. 1 lines 48- 61, col. 5 lines 3-12, col. 6 lines 40-54, col. 11 lines 13-29, and col. 12 lines 36-60).

Office Action dated September 11, 2007, pages 4-5.

Claim 1, as amended herein, is as follows:

1. A method for visually representing an interactive telephone call tree interface, comprising the steps of:
 - providing a first interactive screen of display for a telephone call tree;
 - displaying said first interactive screen of display for said telephone call tree;
 - selecting a node of said displayed first interactive screen of display for said telephone call tree to form a selected node of said telephone call tree; and

responsive to selecting a node of said displayed first interactive screen of display, displaying a second interactive screen of display, said second interactive screen of display including information about a content of said selected node of said telephone call tree.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case each and every feature of the presently claimed invention is not identically shown in Flint, arranged as they are in the claims and, accordingly, the claims are not anticipated by Flint. With respect to claim 1, for example, Flint does not disclose or suggest “responsive to selecting a node of said displayed first interactive screen of display, displaying a second interactive screen of display, said second interactive screen of display including information about a content of said selected node of said telephone call tree.”

Flint is directed to a telephone system in which a user telephone may display a call path menu tree of an establishment. A generic call path menu tree is illustrated in Figure 7 of Flint and a specific example of a call path menu tree is illustrated in Figure 8.

In rejecting independent claims 1, 8 and 14, the Examiner refers to col. 1, lines 48-61; col. 5, lines 3-12; col. 6, lines 40-54; col. 11, lines 13-29 and col. 12, lines 36-60 of Flint as disclosing the subject matter of the claims. These portions of Flint are reproduced below for the convenience of the Examiner.

The user telephone includes a user memory which stores downloaded call path menu data, a microphone which receives voice input from the user, a speaker which provides audible output to the user, and a keypad which receives alphanumeric input from the user. The user telephone further includes a user communication module which receives the call path menu data signals from the establishment communication module and which provides the call path menu data signals to the user memory in a form for storage as the downloaded call path menu data. Yet further, the user telephone includes a visual input/output module which visually displays the downloaded call path menu data to the user and which receives interactive input from the user in response to the visually displayed call path menu data.

Flint, col.5, lines 48-61.

The user telephone **200** further includes a user communication module **210** which receives the call path menu data signals from the establishment communication module **104** and which provides the call path menu data signals to the user memory **202** in a form for storage as the downloaded call path menu data. The user telephone **200** yet further includes a visual input/output module **212** which visually displays the downloaded call path menu data and which receives interactive input from the user in response to the visually displayed call path menu data.

Flint, col. 5, lines 3-12.

The user controller **214** can advantageously be configured to purge the user memory **202** of the downloaded call path menu data following completion of a given telephone call. The user visual input/output module **212** can include a user visual display **216** and a user cursor controller **218**. The display **216** can be coupled to the user controller **214** and can visually display the downloaded call path menu data to the user. The cursor controller **218** can be coupled to the user controller **214** and can receive the interactive input from the user by permitting the user to place a cursor on and to select a desired call path menu option, and also to permit the user to scroll through the call path menu data. It should be noted that the cursor controller **218** is depicted in FIG. 2 as a joystick. However, any suitable cursor controller can be utilized, for example, arrow keys, a mouse, and the like.

Flint, col. 6, lines 40-54.

Reference should now be had to FIGS. 7 and 8 for a description of the call path menu data tree as used in accordance with the present invention. Certain terms will now be defined. A level refers to a given vertical location within the call path menu hierarchy. A call path menu item refers to an individual choice or action; there is one menu item per block in FIGS. 7 and 8. A branch refers to one or more of the menu items, each of which is at the same level, which menu item or items correlate to a menu item at the next highest level in the tree. However, the top level of the tree forms a single branch, as there is no next highest level. Correlating to a given menu item at the next highest level means that menu items in a branch logically fall under, or are associated with, the given menu item at the next higher level. That is, they are choices or actions which are related to the menu item at the next higher level. A selection refers to a user's choice of an item from the call path menu data.

Flint, col. 11, lines 13-29

In one embodiment of the method, the downloading step can include downloading enough of the call path menu data such that the downloaded call path menu data in the user memory **202**, **202'**, **302** corresponds to a substantially complete call path menu. In this case, the step of visually displaying can include displaying the substantially complete call path menu to the user. If desired, substantially all portions of the menu can be displayed to the user substantially simultaneously. In this case, the visual display **216**, **216'**, **316** must be sufficiently large to show the whole menu. Alternatively, the whole menu need not be displayed to the user simultaneously; portions of the menu can be selectively displayed to the user in response to interaction with the user, for example, scrolling through the menu using the cursor controller **218**, **218'**. Thus, all of the data can be loaded in memory and a portion or all of the data can be displayed on the screen. Further, the substantially complete call path menu can be displayed to the user simultaneously, or in portions. As used herein, when it is mentioned that portions of a substantially complete menu are displayed, it is meant that the substantially complete menu is loaded in memory and can be readily accessed by simply scrolling. This is to be distinguished from the case where only a portion of the menu is loaded in memory and further downloading is required to view other portions of the menu.

Flint, col. 12, lines 36-60.

Applicants respectfully submit that neither the above-reproduced portions of Flint referred to by the Examiner, nor anywhere else in Flint, does the reference disclose or suggest "responsive to selecting a node of said displayed first interactive screen of display, displaying a second interactive screen of display, said second interactive screen of display including information about a content of said selected node of said telephone call tree" as recited in amended claim 1. As described in col. 12, lines 36-60 of Flint

reproduced above, Flint may disclose displaying a “substantially complete call path menu” at one time or selectively displaying portions of the call path menu (such as by scrolling). Flint may also disclose that a user may operate a cursor controller to place a cursor on a menu option and then select a menu option by pressing an appropriate number key on a keypad or the like. Nowhere, however, does Flint disclose or suggest displaying a second interactive screen of display “responsive to selecting a node of said displayed first interactive screen of display” as now recited in claim 1. Even if, assuming *arguendo*, displaying different portions of the call path menu in Flint can somehow be construed as displaying first and second interactive screens of display (which Applicants dispute), any such second display is not displayed “responsive to selecting a node of said displayed first interactive screen of display.” Therefore, Flint does not anticipate claim 1 for at least this reason.

Furthermore, Flint does not disclose or suggest “displaying a second interactive screen of display, said second interactive screen of display including information about a content of said selected node of said telephone call tree” responsive to selecting a node of a displayed first interactive screen of display as recited in claim 1.

Flint describes various actions that may result from selecting a menu item (see, for example, col. 16, line 41 to col. 17, line 17). Such actions may include ringing an appropriate extension, entering a voice mode, prompting a user to enter a number or the like. Flint, however, does not disclose or suggest that any such actions result in “displaying a second interactive screen of display” as recited in claim 1. Therefore, Flint does not anticipate claim 1 for this reason, as well.

For at least all the above reasons, Flint does not disclose or suggest “responsive to selecting a node of said displayed first interactive screen of display, displaying a second interactive screen of display, said second interactive screen of display including information about a content of said selected node of said telephone call tree” as recited in claim 1, and does not anticipate claim 1. Claim 1, accordingly, patently distinguishes over Flint in its present form.

Independent claims 8 and 14 have been amended in a similar manner as claim 1 and are also not anticipated by Flint for similar reasons as discussed above with respect to claim 1.

Claims 2-4, 6, 7, 9-11, 13, 15-17 and 20 depend from and further restrict one of independent claims 1, 8 and 14 and are also not anticipated by Flint, at least by virtue of their dependency. Furthermore, many of these claims recite additional subject matter that is neither disclosed nor suggested by Flint. For example, claim 2 depends from claim 1 and recites that the selecting step comprises the step of “hovering over a hyper-link, said hyper-link including a network address associated with said selected node of said telephone call tree.” In rejecting claim 2, the Examiner states:

In regards to claims 2, 9, and 15, Flint discloses the method, system, and computer program product, wherein the selecting step comprises the step of hovering over a hyper-link, said hyper-link including a network address associated with said node (e.g., branch) of said telephone call tree (See col. 11 lines 13-29).

Col. 11, lines 13-29 is reproduced above and nowhere discloses or suggests that displayed menu items are hyperlinks or that selecting a menu item is done by hovering over a hyperlink. In fact, as indicated previously, Flint selects a menu item by pressing a button on a keypad or the like.

Claim 2, accordingly, and corresponding claims 9 and 15 are not anticipated by Flint in their own right as well as by virtue of their dependency.

Claim 3 depends from claim 1 and further recites that the selecting step comprises “dialing a telephone number associated with said selected node of said telephone call tree.” The Examiner refers to col. 3, lines 57-66 of Flint, reproduced below, as disclosing the subject matter of claim 3:

Attention should now be given to FIG. 8 for an exemplary call path menu data tree associated with a car dealership. The exemplary tree is designated generally as 450. It is to be emphasized that FIG. 8 is presented only by way of illustration and the present invention has applicability to many types of establishments besides car dealers.

The exemplary car dealer tree 450 includes a first branch which includes the top level: sales 452, service 454, dialing of an extension 456, employment opportunities 458 and accounting 460.

The above portion of Flint indicates that a menu item may instruct that an extension be dialed, however, this is not a disclosure of selecting a node of a displayed first interactive screen of display by dialing an associated telephone number. Claim 3, accordingly, and corresponding claims 10 and 16 are also not anticipated by Flint in their own right as well as by virtue of their dependency.

Therefore, the rejection of claims 1-4, 6-11, 13-17 and 20 under 35 U.S.C. § 102(e) has been overcome.

IV. 35 U.S.C. § 103, Obviousness: Claims 5, 12, 18, and 19

The Examiner has rejected claims 5, 12, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Flint et al. (US 6,504,917), (hereinafter “Flint”). This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

In regards to claims 5, 12, 18, and 19, Flint discloses all of claims 5, 12, 18, and 19 limitations, except the method, system, and computer program product, wherein the steps and instructions are performed with a wireless telephone. Flint, however, does disclose the steps being performed with a wire-line telephone (See Fig. 2, user telephone 200 and Fig. 9, user telephone 300) (See col. 5 lines 3-17). Therefore, it would have been obvious for one of ordinary skill in the art at the

time of the invention to incorporate this feature within the method, system, and computer program product, as a way of providing a wireless telephone user with enhanced user interaction with the call path system, thus making it faster and easier for the user to navigate through the various options displayed on the wireless telephone.

Office Action dated September 11, 2007, page 6.

This is to confirm that Flint and the presently claimed invention were, at the time the present invention was made, commonly owned by International Business Machines Corporation of Armonk, New York. Pursuant to the provisions of 35 USC 103(c), accordingly, Flint does not qualify as prior art under 35 USC 103(a), and the rejection of claims 5, 12 and 19 as being unpatentable over Flint is improper.

Therefore, the rejection of claims 5, 12, 18, and 19 under 35 U.S.C. § 103(a) under 35 U.S.C. § 103 has been overcome.

V. Conclusion

For at least all the above reasons, claims 1-20 patentably distinguish over Flint and this application is believed to be in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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